

1950.

File No. B.N. Park

Legal Dept

/50



B BRANCH

Subject:— A Bill to make
Provision for National Parks
in the State of Bombay

L.A. Bill No. XLI of 1950
Bom. Act No. LIV of 1950

P-30
E

File No. B.N. Park/50

814-13

In place of the draft Bill at page 145 to 151 ante, a revised draft Bill is sent ~~is~~ herewith.

2. Department's clause 6.— It would not be feasible to appoint a special Acquisition Officer and to make his decision final as regards compensation to be paid to persons whose rights and interests in land are affected. The proper method is that provided for in the Indian Forest Act, 1927, when a reserved or protected forest is constituted. It would not be right to avoid the application of the Land Acquisition Act, 1894, when private rights will be affected or extinguished. The provision suggested by A. and F. Department will lead to unnecessary litigation and the Special Officer's decision is likely to be challenged. Revised clauses 5 to 12 provide for acquisition of such rights and interests by agreement or by compulsory acquisition wherever necessary in accordance with the provisions of the Land Acquisition Act, 1894 on ~~the~~ the lines of the provisions of the Indian Forest Act, 1927.

3. Clause 8 of the Department's draft and clause 13 of the revised draft Bill.— It is not necessary to specify the designation of the Officer who will be the ex-officio members of the Advisory Committee, as such designations may change from time to time or Government may like to appoint some other officers in their places. Revised draft clause 13 has therefore been redrafted to make it more elastic and comprehensive.

4. Department's clause 13.— In view of the policy of Government to abolish the posts of Honorary Magistrates the clause has been deleted.

5. Revised clause 20. — It has been amplified on the lines of section 7 of the (Canadian) National

Parks Act, 1936.

6. Department's clause 18. - The provision for compensation for damage which is suitable in the case of a private person suffering damage would not be suitable in this Bill and has therefore been omitted. The punishment of imprisonment and fine would seem sufficient.

7. Revised clause 22. - Under this clause every Park Officer authorised by the Director shall have the power of a sub-inspector of police. This would enable such officer to arrest without warrant any person committing an offence under the Act and to exercise the powers of entry, search, seizure etc.

8. Revised clause 25. - In view of entry 67 in Union List in the Seventh Schedule to the Constitution it has been made clear that nothing in this Act shall apply to monuments etc. declared by Parliament by law to be of national importance.

9. The subject matter of the Bill falls under entries 12, 33, 35, 36, 64 and 66 in List II and entries 2 and 40 in List III in the Seventh Schedule to the Constitution. The Bill does not require any sanction but requires the Governor's recommendation under article 207(3).

Sd/.....20/6.

Additional Secretary to Government.

D.R. to Agriculture and Forest /Department, M.S.

8468 dated the 21st June 1950.

IMMEDIATE

7

No. 224-L.
Legal Department,
Council Hall, Poona, 30th October 1950.

From

Shri J.R.Dhurandhar,

Additional Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Governor of Bombay.

Subject:- The Bombay National Parks Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for being presented to His Excellency the Governor the authentic copy of the Bombay National Parks Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 9th and 13th October 1950, respectively.

2. The subject-matter of the Bill falls under entries 36
12, 33, 35, 64, and 66 in List II and entries 2 and 40 in List III in the Seventh Schedule to the Constitution of India. As the provisions of the Bill attract the operation of clause (2) of article 31 of the Constitution, it is necessary to reserve the Bill for the consideration of the President with reference to article 31(3) of the Constitution.

3. I also forward herewith six copies of each of the

-
1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.
 2. Bill as read for the third time and passed by the the Bombay Legislative Council.

3.	Extracts from the proceedings of the Bombay	*	items
	Legislative Assembly dated the 7th and the	*	Nos.
	9th October 1950 1950 and of the Bombay	*	1 and
	Legislative Council dated the 13th October	*	2 and
	1950.	*	two
		*	

copies of item No.3 of the papers noted in the margin. The Bill was not referred to a Select Committee.

Yours faithfully,

Sd/.....

Additional Secretary to Government.

Through:

The Secretary to the Government of Bombay
Agriculture and Forest Department..

DYR.

8/6.

5a.

11/12.

From

The Secretary to the Governor of Bombay

To

The Secretary to the Bombay Legislature

Department, Council Hall, Bombay 1.

Government House

Bombay No. 6

November 4, 1950.

Subject: The Bombay National Parks
Bill, 1950.

Sir,

With reference to the Bombay National Parks Bill, 1950, which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on October 9 and 13, 1950, respectively, I am directed to state, for the information of the Honourable the Speaker and the Honourable the Chairman, that as the provisions of the Bill attract the operation of clause (2) of article 31 of the Constitution it is necessary to reserve the Bill for the consideration of the President with reference to article 31(3) of the Constitution. His Excellency the Governor is accordingly pleased, under article 216 of the Constitution, to declare that he reserves the Bill for the consideration of the President.

Yours faithfully,

L.M.Nadkarni,

Secretary to the Governor of Bombay.

No. G.S. 3333
Office of the Secretary to the Governor,
Government House, Bombay No. 6,
November 4, 1950.

Copy forwarded with compliments for the information to:-

- (1) The Additional Secretary to Government, Legal Department,
with reference to his letter No. 224-I, dated October
30, 1950:

P. T. O.

12.

- (2) The Secretary to Government, Agriculture and Forests Department, with reference to his endorsement No. 4392-E, dated October 31, 1950.

Sd/.....

Secretary to the Governor.

13.

No. 3817.

FROM

THE SECRETARY TO THE GOVERNOR OF BOMBAY.

To

The Additional Secretary to Government,
Legal Department.

Government House,

Bombay, December 15, 1950.

Subject: The Bombay National Parks Bill, 1950.

Sir,

In continuation of my letter No. G.S.3776, dated December 13, 1950, I am directed to forward herewith the authentic copy of the Bombay National Parks Bill, 1950, with the President's assent signified thereon.

Yours faithfully,

Sd/.....

for Secretary to the Governor of Bombay

DYR.

8/6.

6a.

ACTS.

Publication of the Bombay
National Parks Act, 1950.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 17879.

Bombay Castle, 18th December 1950.

Letter to the Secretary to the Governor, No.224-L; dated
the 30th October 1950.

Letter from the Secretary to the Governor, No.G.S.3776
dated the 13th December 1950.

" With reference to the correspondence ending with your
letter No. 17041, dated December 1, 1950, I am to state
that intimation has been received from the Government of
India, Ministry of Home Affairs, that the President
assented to the Bombay National Parks Bill, 1950, on
December 8, 1950.

RESOLUTION:- The law should be published as Bombay Act,
No. LIV of 1950, in the Bombay Government Gazette dated the 19th
December 1950.

2. The Act should be translated into Marathi, Gujarati,
Kannada and Hindi (in Devnagari script) and the translations should be
published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Agriculture
and Forests Department.

By order of the Governor of Bombay,

S.L. CHAUDHARI,

Assistant Secretary to Government,



The Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 20TH SEPTEMBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagariscript) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XLI OF 1950.

A Bill to make provision for National Parks in the State of Bombay.

WHEREAS it is expedient to make provision for the establishment, preservation and maintenance of National Parks in the State of Bombay and for certain other matters hereinafter appearing; It is hereby enacted as follows :—

1. (1) This Act may be called the Bombay National Parks Act, 1950.

Short title
and extent.

(2) It extends to the whole of the State of Bombay.

2. Sections 1 and 2 shall come into force at once. The rest of the Act or any provisions thereof shall come into force in any area on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Commence-
ment.

3. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "Advisory Committee" means the Committee constituted by the State Government under section 13;

(2) "Director" means the Director of Parks and Gardens, Bombay State, or any other officer appointed by the State Government as the Director for the purposes of this Act;

(3) "National Park" means any area declared by the State Government as a National Park under section 4;

(4) "Park" includes a garden;

(5) "Park Officer" means any officer, warden or servant appointed under this Act for the control and management of a National Park;

(6) "prescribed" means prescribed by rules;

(7) "regulations" means regulations made under section 20;

(8) "rules" means rules made under section 19.

Power to
declare any
area to be
National
Park.

4. Where it appears to the State Government in respect of any area that by reason of its floral, scenic or other natural beauty or educational, scientific, archaeological or historical association or importance, it is desirable to take measures for the purpose of preserving and enhancing the natural beauty or importance of the area and for the purpose of promoting their enjoyment by the community as a whole, the State Government may, by notification in the *Official Gazette*, declare such area to be a National Park for the purposes of this Act in the manner hereinafter provided.

Notification
regarding
declaration
of National
Park.

5. Whenever it has been decided to declare any area to be a National Park, the State Government shall issue a notification in the *Official Gazette*—

(1) stating that it has been decided to declare such area to be a National Park;

(2) specifying as nearly as possible the situation and the limits of such area, and

(3) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well known or readily intelligible boundaries.

Bar of
accrual of
any rights
in land com-
prised in
National
Park.

6. After the issue of a notification under section 5, no right shall be acquired in or over the land comprised in such notification, except by succession.

Proclamation
by the
Collector.

7. When a notification has been issued under section 5, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(a) specifying, as nearly as possible, the situation and the limits of the proposed National Park;

(b) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 5 or section 6 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation, if any, claimed in respect thereof.

Inquiry by
Collector.

8. The Collector shall take down in writing all statements made under section 7 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 5 or 6 and not claimed under section 7 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Extinction
of rights.

9. Rights in respect of which no claim has been preferred under section 7, and of the existence of which no knowledge has been acquired by inquiry under section 8, shall be extinguished.

10. In the case of a claim to a right in or over any land, other than a right of Power to acquire land over which right is claimed.

(a) exclude such land from the limits of the proposed National Park, or
(b) come to an agreement with the owner thereof for the surrender of his rights, or

(c) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

11. For the purpose of acquiring such land,—

(1) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894;

(2) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(3) the provisions of the preceding sections of that Act shall be deemed to have been complied with;

(4) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money; and

(5) in the case of the stoppage of a public way of a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

12. The State Government may, by a general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 5 to 11 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

13. (1) The State Government shall constitute an Advisory Committee consisting of the following members, namely:—

- (a) four officials nominated by the State Government;
- (b) three non-officials nominated by the State Government;
- (c) one representative of the Bombay Natural History Society;
- (d) one representative of the Agri-Horticultural Society of Western India, Poona;
- (e) such additional members, if any, as may be nominated by the State Government, from time to time.

(2) The Director shall be a member and the Secretary of the Advisory Committee. (3) The State Government shall appoint one of the members other than the Director to be the chairman of the Advisory Committee.

(4) The members shall ordinarily hold office on such terms as to tenure and vacation of office as may be prescribed;

Provided that the tenure of appointment of any member may be terminated by the State Government at any time without assigning any reason.

(5) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as may be prescribed.

1 of 1894.

1 of 1894.

acquisition proceedings.

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Duties of
Advisory
Committee.

14. It shall be the duty of the Advisory Committee to advise the State Government—

- (1) in the selection of areas to be declared as National Parks;
- (2) in formulating the policy for administration of National Parks;
- (3) in the matter of framing regulations under section 20; and
- (4) on any matter connected with the National Parks which may be referred to it by the State Government for advice.

Procedure
of Advisory
Committee.

15. (1) The Advisory Committee shall meet at least once in a year at Bombay or such other place as the State Government may direct.

(2) The procedure (including the quorum) of the Advisory Committee shall be such as the Committee may by by-laws made in this behalf determine.

Appoint-
ment of Park
Officers.

16. The State Government may for the purposes of this Act appoint—

- (a) the Director;
- (b) the Park Wardens; and
- (c) such other officers and servants as may be necessary.

Duties
of Park
Officers.

17. (1) The Director shall be responsible for the proper preservation and management of the National Parks in the State and may—

- (a) construct such works therein as may be necessary;
- (b) exercise all such powers as may be necessary for carrying out the objects of this Act.

(2) In the performance of his duties and the exercise of his powers under this Act, the Director shall be subject to such general or special directions, as the State Government may from time to time give.

(3) The other Park Officers shall be subordinate to the Director and shall perform such duties as the Director may from time to time determine, subject to the provisions of this Act and the regulations made in this behalf.

Purposes
for which
National
Park may
be entered.

18. No person shall enter or reside in a National Park, except for the purposes of health, study or recreation or matters incidental thereto or transaction of any lawful business within the Park and otherwise than in accordance with the regulations made in this behalf.

Rules.

19. The State Government may by notification in the *Official Gazette* make rules for prescribing the ordinary tenure of office of members of the Advisory Committee and the allowances to such members under section 13.

Regulations.

20. (1) The State Government may make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such regulations may be made for all or any of the following matters, namely:—

(a) the conditions subject to which any person may enter or reside in a National Park and the period during which the Park or any portion thereof shall be open to the public;

(b) the regulation of traffic and carriage of passengers in a Park;

(c) the fees, if any, to be paid for entry into or for residing in and for any other purpose connected with the use of the Park or any portion thereof;

25. For the avoidance of doubt, it is hereby declared that nothing in this Act Saving shall apply to ancient and historical monuments and archaeological sites and remains declared by Parliament by law to be of national importance.
24. No suit, prosecution or other legal proceeding shall lie against any person Protection for anything which is in good faith done or intended to be done under this Act. acting in to persons good faith.
23. All Park Officers shall be deemed to be public servants within the meaning Park Officers to be public servants.
22. The offence punishable under section 21 shall be cognizable and every Offence Park Officer authorised in this behalf by the Director shall have within the limits under Act of the National Park all the powers of a police officer of the rank of sub-inspector. cognizable.
21. Whoever contravenes any provision of this Act or of any regulation Penalty. made under section 20 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.
- (f) The regulations made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.
- (g) The power to make regulations under this section shall be subject to the condition of previous publication.
- (h) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.
- (i) the prevention of any unauthorised exhibition, fixing, erection or retaining of any advertisement, board, hoarding or structure in the Park and removal of such advertisement, board, hoarding or structure;
- (j) the protection of animals, the disposal of noxious, predatory or super-abundant animals and the taking of animals for scientific and propagating purposes;
- (k) the preservation of public health, and the abatement and prevention of nuisances;
- (l) the protection from defacement by writing or otherwise of any tree, rock, fence, seat or other object in the Park;
- (m) the protection of the indigenous flora and fauna;
- (n) the preservation, control and management of the Park;
- (o) the powers and duties of the Park Officers in regard to the exclusion of members of the public from the Park or any portion thereof;

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STATEMENT OF OBJECTS AND REASONS.

It is proposed to establish National Parks at selected centres of historic, archaeological or zoological importance in the State with a view to provide amenities for the common man and also to preserve such parks, monuments, etc., unimpaired for the enjoyment and benefit of posterity. The Act is intended to provide for the proper management and protection of the parks, monuments and recreation grounds.

Dated the 15th September 1950.

(Signed) B. G. KHER.

By order of the Governor of Bombay,

J. R. DHURANDHAR,

Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 20th September 1950.

L. A. BILL No. XLI OF 1950.

A Bill to make provision for National Parks in the State of Bombay.

(As read for the third time and passed by the Legislative Assembly on the
9th October 1950.)

WHEREAS it is expedient to make provision for the establishment, preservation and maintenance of National Parks in the State of Bombay and for certain other matters hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay National Parks Act, 1950.

Short title
and extent.

(2) It extends to the whole of the State of Bombay.

2. Sections 1 and 2 shall come into force at once. The rest of the Act or any provisions thereof shall come into force in any area on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Commence-
ment.

3. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "Advisory Committee" means the Committee constituted by the State Government under section 13;

(2) "Director" means the Director of Parks and Gardens, Bombay State, or any other officer appointed by the State Government as the Director for the purposes of this Act;

(3) "National Park" means any area declared by the State Government as a National Park under section 4;

(4) "Park" includes a garden;

(5) "Park Officer" means any officer, warden or servant appointed under 10 this Act for the control and management of a National Park;

(6) "prescribed" means prescribed by rules;

(7) "regulations" means regulations made under section 20;

(8) "rules" means rules made under section 19.

Power to
declare any
area to be
National
Park.

4. Where it appears to the State Government in respect of any area that by reason of its floral, scenic or other natural beauty or educational, scientific, archaeological or historical association or importance, it is desirable to take measures for the purpose of preserving and enhancing the natural beauty or importance of the area and for the purpose of promoting their enjoyment by the community as a whole, 5 the State Government may, by notification in the *Official Gazette*, declare such area to be a National Park for the purposes of this Act in the manner hereinafter provided.

Notification
regarding
declaration
of National
Park.

5. Whenever it has been decided to declare any area to be a National Park, the State Government shall issue a notification in the *Official Gazette*—

(1) stating that it has been decided to declare such area to be a National Park;

(2) specifying as nearly as possible the situation and the limits of such area, and

(3) directing the Collector to inquire into and determine the existence, nature 5 and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well known or readily intelligible bounda- 10 ries.

Bar of
accrual of
any rights
in land com-
prised in
National
Park.

6. After the issue of a notification under section 5, no right shall be acquired in over the land comprised in such notification, except by succession.

Proclamation
by the
Collector.

7. When a notification has been issued under section 5, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(a) specifying, as nearly as possible, the situation and the limits of the proposed 5 National Park;

(b) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 5 or section 6 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation, if any, claimed in respect thereof. 10

Inquiry by
Collector.

8. The Collector shall take down in writing all statements made under section 7 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 5 or 6 and not claimed under section 7 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same. 5

Extinction
of rights.

9. Rights in respect of which no claim has been preferred under section 7, and of the existence of which no knowledge has been acquired by inquiry under section 8, shall be extinguished.

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10. In the case of a claim to a right in or over any land, other than a right of Power to acquire land over which right is claimed.

- (a) exclude such land from the limits of the proposed National Park, or
- (b) come to an agreement with the owner thereof for the surrender of his rights,

(c) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

11. For the purpose of acquiring such land,—

(1) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 ;

- (2) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;
- (3) the provisions of the preceding sections of that Act shall be deemed to have been complied with ;

- (4) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money ; and
- (5) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

12. The State Government may, by a general or special order, direct that the powers exercisable or the functions to be performed by the Collector under sections 5 to 11 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

13. (1) The State Government shall constitute an Advisory Committee consisting of the following members, namely :—

- (a) four officials nominated by the State Government ;
- (b) three non-officials nominated by the State Government ;
- (c) one representative of the Bombay Natural History Society ;
- (d) one representative of the Agri-Horticultural Society of Western India, Poona ;
- (e) such additional members, if any, as may be nominated by the State Government, from time to time.

- (2) The Director shall be a member and the Secretary of the Advisory Committee.
- (3) The State Government shall appoint one of the members other than the Director to be the chairman of the Advisory Committee.
- (4) The members shall ordinarily hold office on such terms as to tenure and vacation of office as may be prescribed :

Provided that the tenure of appointment of any member may be terminated by the State Government at any time without assigning any reason.

(5) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as may be prescribed.

**Duties of
Advisory
Committee.**

14. It shall be the duty of the Advisory Committee to advise the State Government—

- (1) in the selection of areas to be declared as National Parks ;
- (2) in formulating the policy for administration of National Parks ;
- (3) in the matter of framing regulations under section 20 ; and 5
- (4) on any matter connected with the National Parks which may be referred to it by the State Government for advice.

**Procedure
of Advisory
Committee.**

15. (1) The Advisory Committee shall meet at least once in a year at Bombay or such other place as the State Government may direct.

(2) The procedure (including the quorum) of the Advisory Committee shall be such as the Committee may by by-laws made in this behalf determine.

**Appoint-
ment of Park
Officers.**

16. The State Government may for the purposes of this Act appoint—

- (a) the Director ;
- (b) the Park Wardens ; and
- (c) such other officers and servants as may be necessary.

**Duties
of Park
Officers.**

17. (1) The Director shall be responsible for the proper preservation and management of the National Parks in the State and may—

- (a) construct such works therein as may be necessary ;
- (b) exercise all such powers as may be necessary for carrying out the objects of this Act. 5

(2) In the performance of his duties and the exercise of his powers under this Act, the Director shall be subject to such general or special directions, as the State Government may from time to time give.

(3) The other Park Officers shall be subordinate to the Director and shall perform such duties as the Director may from time to time determine, subject to the provisions of this Act and the regulations made in this behalf. 10

**Purposes
for which
National
Park may
be entered.**

18. No person shall enter or reside in a National Park, except for the purposes of health, study or recreation or matters incidental thereto or transaction of any lawful business within the Park and otherwise than in accordance with the regulations made in this behalf.

Rules.

19. The State Government may by notification in the *Official Gazette* make rules for prescribing the ordinary tenure of office of members of the Advisory Committee and the allowances to such members under section 13.

Regulations.

20. (1) The State Government may make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such regulations may be made for all or any of the following matters, namely :—

- (a) the conditions subject to which any person may enter or reside in a National Park and the period during which the Park or any portion thereof shall be open to the public ; 5
- (b) the regulation of traffic and carriage of passengers in a Park ;
- (c) the fees, if any, to be paid for entry into or for residing in and for any other purpose connected with the use of the Park or any portion thereof ; 10

(d) the powers and duties of the Park Officers in regard to the exclusion of members of the public from the Park or any portion thereof;

(e) the preservation, control and management of the Park;

(f) the protection of the indigenous flora and fauna;

(g) the protection from defacement by writing or otherwise of any tree, rock, fence, seat or other object in the Park;

(h) the protection of animals, the disposal of noxious, predatory or super-abundant animals and the taking of animals for scientific and propagating purposes;

(i) the preservation of public health and the abatement and prevention of nuisances;

(j) the prevention of any unauthorised exhibition, fixing, erection or retaining of any advertisement, board, hoarding or structure in the Park and removal of such advertisement, board, hoarding or structure;

(k) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(3) The power to make regulations under this section shall be subject to the condition of previous publication.

(4) The regulations made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

21. Whoever contravenes any provision of this Act or of any regulation made under section 20 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

22. The offence punishable under section 21 shall be cognizable and every Park Officer authorised in this behalf by the Director shall have within the limits under Act of the National Park all the powers of a police officer of the rank of sub-inspector.

23. All Park Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

24. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

25. For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to ancient and historical monuments and archaeological sites and remains declared by Parliament by law to be of national importance.

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STATEMENT OF OBJECTS AND REASONS.

It is proposed to establish National Parks at selected centres of historic, archaeological or zoological importance in the State with a view to provide amenities for the common man and also to preserve such parks, monuments, etc., unimpaired for the enjoyment and benefit of posterity. The Act is intended to provide for the proper management and protection of the parks, monuments and recreation grounds.

B. G. KHER.

Dated the 15th September 1950.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLI OF 1950.]

(As read for the third time and passed by
the Legislative Assembly on the
9th October 1950.)

**A Bill to make provision for National Parks
in the State of Bombay.**

[Shri B. G. KHER, M.L.A.]

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLI OF 1950.]

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(As read for the third time and passed by the Legislative Assembly on the 9th October 1950.)

(As read for the third time and passed by the Legislative Council on the 13th October 1950.)

WHEREAS it is expedient to make provision for the establishment, preservation and maintenance of National Parks in the State of Bombay and for certain other matters hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay National Parks Act, 1950.

Short title
and extent.

(2) It extends to the whole of the State of Bombay.

2. Sections 1 and 2 shall come into force at once. The rest of the Act or any provisions thereof shall come into force in any area on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Commence-
ment.

3. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "Advisory Committee" means the Committee constituted by the State Government under section 13;

(2) "Director" means the Director of Parks and Gardens, Bombay State, or any other officer appointed by the State Government as the Director for the purposes of this Act;

(3) "National Park" means any area declared by the State Government as a National Park under section 4;

(4) "Park" includes a garden;

(5) "Park Officer" means any officer, warden or servant appointed under this Act for the control and management of a National Park;

(6) "prescribed" means prescribed by rules;

(7) "regulations" means regulations made under section 20;

(8) "rules" means rules made under section 19.

Power to
declare any
area to be
National
Park.

4. Where it appears to the State Government in respect of any area that by reason of its floral, scenic or other natural beauty or educational, scientific, archaeological or historical association or importance, it is desirable to take measures for the purpose of preserving and enhancing the natural beauty or importance of the area and for the purpose of promoting their enjoyment by the community as a whole, the State Government may, by notification in the *Official Gazette*, declare such area to be a National Park for the purposes of this Act in the manner hereinafter provided.

Notification
regarding
declaration
of National
Park.

5. Whenever it has been decided to declare any area to be a National Park, the State Government shall issue a notification in the *Official Gazette*—

(1) stating that it has been decided to declare such area to be a National Park;

(2) specifying as nearly as possible the situation and the limits of such area, and

(3) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well known or readily intelligible boundaries.

Bar of
accrual of
any rights
in land com-
prised in
National
Park.

6. After the issue of a notification under section 5, no right shall be acquired in or over the land comprised in such notification, except by succession.

Proclamation
by the
Collector.

7. When a notification has been issued under section 5, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(a) specifying, as nearly as possible, the situation and the limits of the proposed National Park;

(b) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 5 or section 6 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation, if any, claimed in respect thereof.

Inquiry by
Collector.

8. The Collector shall take down in writing all statements made under section 7 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 5 or 6 and not claimed under section 7 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Extinction
of rights.

9. Rights in respect of which no claim has been preferred under section 7, and of the existence of which no knowledge has been acquired by inquiry under section 8, shall be extinguished.

10. In the case of a claim to a right in or over any land, other than a right of Power to acquire land over which right is claimed, (a) exclude such land from the limits of the proposed National Park, or (b) come to an agreement with the owner thereof for the surrender of his rights, or

(c) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

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1894.

11. For the purpose of acquiring such land,—

(1) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894 ;

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1894.

(2) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;

(3) the provisions of the preceding sections of that Act shall be deemed to have been complied with ;

(4) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money ; and

(5) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

12. The State Government may, by a general or special order, direct that the Collector to be performed by the Collector under sections 5 to 11 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

13. (1) The State Government shall constitute an Advisory Committee consisting of the following members, namely :—

Constitution
of Advisory
Committee.

(a) four officials nominated by the State Government ;

(b) three non-officials nominated by the State Government ;

(c) one representative of the Bombay Natural History Society ;

(d) one representative of the Agri-Horticultural Society of Western India, Poona ;

(e) such additional members, if any, as may be nominated by the State Government, from time to time.

(2) The Director shall be a member and the Secretary of the Advisory Committee. (3) The State Government shall appoint one of the members other than the Director to be the chairman of the Advisory Committee.

(4) The members shall ordinarily hold office on such terms as to tenure and vacation of office as may be prescribed ;

Provided that the tenure of appointment of any member may be terminated by the State Government at any time without assigning any reason.

(5) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as may be prescribed.

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Duties of Advisory Committee. 14. It shall be the duty of the Advisory Committee to advise the State Government—

- (1) in the selection of areas to be declared as National Parks ;
- (2) in formulating the policy for administration of National Parks ;
- (3) in the matter of framing regulations under section 20 ; and
- (4) on any matter connected with the National Parks which may be referred to it by the State Government for advice.

Procedure of Advisory Committee. 15. (1) The Advisory Committee shall meet at least once in a year at Bombay or such other place as the State Government may direct.

(2) The procedure (including the quorum) of the Advisory Committee shall be such as the Committee may by by-laws made in this behalf determine.

Appointment of Park Officers. 16. The State Government may for the purposes of this Act appoint—

- (a) the Director ;
- (b) the Park Wardens ; and
- (c) such other officers and servants as may be necessary.

Duties of Park Officers. 17. (1) The Director shall be responsible for the proper preservation and management of the National Parks in the State and may—

- (a) construct such works therein as may be necessary ;
- (b) exercise all such powers as may be necessary for carrying out the objects of this Act.

(2) In the performance of his duties and the exercise of his powers under this Act, the Director shall be subject to such general or special directions, as the State Government may from time to time give.

(3) The other Park Officers shall be subordinate to the Director and shall perform such duties as the Director may from time to time determine, subject to the provisions of this Act and the regulations made in this behalf.

Purposes for which National Park may be entered. 18. No person shall enter or reside in a National Park, except for the purposes of health, study or recreation or matters incidental thereto or transaction of any lawful business within the Park and otherwise than in accordance with the regulations made in this behalf.

Rules. 19. The State Government may by notification in the *Official Gazette* make rules for prescribing the ordinary tenure of office of members of the Advisory Committee and the allowances to such members under section 13.

Regulations. 20. (1) The State Government may make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such regulations may be made for all or any of the following matters, namely :—

- (a) the conditions subject to which any person may enter or reside in a National Park and the period during which the Park or any portion thereof shall be open to the public ;
- (b) the regulation of traffic and carriage of passengers in a Park ;
- (c) the fees, if any, to be paid for entry into or for residing in and for any other purpose connected with the use of the Park or any portion thereof ;

(d) the powers and duties of the Park Officers in regard to the exclusion of members of the public from the Park or any portion thereof ;

(e) the preservation, control and management of the Park ;

(f) the protection of the indigenous flora and fauna ;

(g) the protection from defacement by writing or otherwise of any tree, rock, fence, seat or other object in the Park ;

(h) the protection of animals, the disposal of noxious, predatory or super-abundant animals and the taking of animals for scientific and propagating purposes ;

(i) the preservation of public health and the abatement and prevention of nuisances ;

(j) the prevention of any unauthorised exhibition, fixing, erection or retaining of any advertisement, board, hoarding or structure in the Park and removal of such advertisement, board, hoarding or structure ;

(k) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(3) The power to make regulations under this section shall be subject to the condition of previous publication.

(4) The regulations made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

21. Whoever contravenes any provision of this Act or of any regulation made under section 20 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

22. The offence punishable under section 21 shall be cognizable and every Park Officer authorised in this behalf by the Director shall have within the limits of the National Park all the powers of a police officer of the rank of sub-inspector.

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23. All Park Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

24. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

25. For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to ancient and historical monuments and archaeological sites and remains declared by Parliament by law to be of national importance.

Government of Bombay

'LEGAL DEPARTMENT'

[L. A. Bill No. XLI OF 1950.]

**(As read for the third time and passed by
the Legislative Assembly on the 9th
October 1950.)**

**(As read for the third time and passed by
the Legislative Council on the 13th
October 1950.)**

**A Bill to make provision for National Parks
in the State of Bombay.**

[Shri B. G. KHER, M.L.A.]



The Bombay Government Gazette

PUBLISHED BY AUTHORITY
TUESDAY, 19TH DECEMBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated
and Regulations made by the Governor.

CONTENTS.

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BOMBAY ACT No. LIV OF 1950—An Act to make provision for National Parks in the State of Bombay	562-566

The following Act of the Bombay Legislature having been assented to by the President on the 8th December 1950 is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. LIV OF 1950.

(First published, after having received the assent of the President, in the "Bombay Government Gazette" on the 19th December 1950.)

An Act to make provision for National Parks in the State of Bombay.

WHEREAS it is expedient to make provision for the establishment, preservation and maintenance of National Parks in the State of Bombay and for certain other matters hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Bombay National Parks Act, 1950. Short title and extent.
- (2) It extends to the whole of the State of Bombay.
2. Sections 1 and 2 shall come into force at once. The rest of the Act or any provisions thereof shall come into force in any area on such date as the State Government may, by notification in the *Official Gazette*, appoint. Commencement.
3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.
 - (1) "Advisory Committee" means the Committee constituted by the State Government under section 13;
 - (2) "Director" means the Director of Parks and Gardens, Bombay State, or any other officer appointed by the State Government as the Director for the purposes of this Act;

(3) "National Park" means any area declared by the State Government as a National Park under section 4;

(4) "Park" includes a garden;

(5) "Park Officer" means any officer, warden or servant appointed under this Act for the control and management of a National Park;

(6) "prescribed" means prescribed by rules;

(7) "regulations" means regulations made under section 20;

(8) "rules" means rules made under section 19.

Power to declare any area to be National Park.

4. Where it appears to the State Government in respect of any area that by reason of its floral, scenic or other natural beauty or educational, scientific, archaeological or historical association or importance, it is desirable to take measures for the purpose of preserving and enhancing the natural beauty or importance of the area and for the purpose of promoting their enjoyment by the community as a whole, the State Government may, by notification in the *Official Gazette*, declare such area to be a National Park for the purposes of this Act in the manner hereinafter provided.

Notification regarding declaration of National Park.

5. Whenever it has been decided to declare any area to be a National Park, the State Government shall issue a notification in the *Official Gazette*—

(1) stating that it has been decided to declare such area to be a National Park;

(2) specifying as nearly as possible the situation and the limits of such area, and

(3) directing the Collector to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over the land comprised within the limits of such area and deal with the same as provided in this Act.

Explanation.—For the purpose of this section, it shall be sufficient to describe the area by roads, rivers, ridges or other well known or readily intelligible boundaries.

Bar of accrual of any rights in land comprised in National Park.

6. After the issue of a notification under section 5, no right shall be acquired in or over the land comprised in such notification, except by succession.

Proclamation by the Collector.

7. When a notification has been issued under section 5, the Collector shall publish in the regional language in every town and village in the neighbourhood of the area comprised therein, a proclamation—

(a) specifying, as nearly as possible, the situation and the limits of the proposed National Park;

(b) fixing a period of not less than two months from the date of such proclamation, and requiring any person claiming any right mentioned in section 5 or section 6 within such period either to present to the Collector a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation, if any, claimed in respect thereof.

Inquiry by Collector.

8. The Collector shall take down in writing all statements made under section 7 and shall at some convenient place inquire into all claims duly preferred under that section and the existence of any rights mentioned in section 5 or 6 and not claimed under section 7 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

9. Rights in respect of which no claim has been preferred under section 7, and Extinction of the existence of which no knowledge has been acquired by inquiry under section 8, of rights, shall be extinguished.

10. In the case of a claim to a right in or over any land, other than a right of Power to acquire land over which right is claimed.
public way or right of common pasture, the Collector shall either,—

- (a) exclude such land from the limits of the proposed National Park, or
- (b) come to an agreement with the owner thereof for the surrender of his rights,
- or
- (c) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1894.

I of
1894.

11. For the purpose of acquiring such land,—

Acquisition proceedings.

(1) the Collector shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1894;

I of
1894.

(2) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(3) the provisions of the preceding sections of that Act shall be deemed to have been complied with;

(4) the Collector with the consent of the claimant, or the Court, with the consent of both the parties, may award compensation in land or partly in land and partly in money; and

(5) in the case of the stoppage of a public way or a common pasture, the Collector may, with the previous sanction of the State Government, provide for a substitute public way or common pasture, as far as may be practicable or convenient.

12. The State Government may, by a general or special order, direct that the Power of Collector to be exercised by other officers.
powers exercisable or the functions to be performed by the Collector under sections 5 to 11 (both inclusive) may be exercised and performed by such officer as may be specified in the order.

13. (1) The State Government shall constitute an Advisory Committee consisting of the following members, namely:— Constitution of Advisory Committee.

- (a) four officials nominated by the State Government;
- (b) three non-officials nominated by the State Government;
- (c) one representative of the Bombay Natural History Society;
- (d) one representative of the Agri-Horticultural Society of Western India, Poona;
- (e) such additional members, if any, as may be nominated by the State Government, from time to time.

(2) The Director shall be a member and the Secretary of the Advisory Committee.

(3) The State Government shall appoint one of the members other than the Director to be the chairman of the Advisory Committee.

(4) The members shall ordinarily hold office on such terms as to tenure and vacation of office as may be prescribed:

Provided that the tenure of appointment of any member may be terminated by the State Government at any time without assigning any reason.

(5) The members shall be entitled to receive such allowances in respect of expenses properly incurred in the performance of their duties as may be prescribed.

Duties of
Advisory
Committee.

14. It shall be the duty of the Advisory Committee to advise the State Government—

- (1) in the selection of areas to be declared as National Parks ;
- (2) in formulating the policy for administration of National Parks ;
- (3) in the matter of framing regulations under section 20 ; and
- (4) on any matter connected with the National Parks which may be referred to it by the State Government for advice.

Procedure
of Advisory
Committee.

15. (1) The Advisory Committee shall meet at least once in a year at Bombay or such other place as the State Government may direct.

(2) The procedure (including the quorum) of the Advisory Committee shall be such as the Committee may by by-laws made in this behalf determine.

Appoint-
ment of Park
Officers.

16. The State Government may for the purposes of this Act appoint—

- (a) the Director ;
- (b) the Park Wardens ; and
- (c) such other officers and servants as may be necessary.

Duties
of Park
Officers.

17. (1) The Director shall be responsible for the proper preservation and management of the National Parks in the State and may—

- (a) construct such works therein as may be necessary ;
- (b) exercise all such powers as may be necessary for carrying out the objects of this Act.

(2) In the performance of his duties and the exercise of his powers under this Act, the Director shall be subject to such general or special directions, as the State Government may from time to time give.

(3) The other Park Officers shall be subordinate to the Director and shall perform such duties as the Director may from time to time determine, subject to the provisions of this Act and the regulations made in this behalf.

Purposes
for which
National
Park may
be entered.

18. No person shall enter or reside in a National Park, except for the purposes of health, study or recreation or matters incidental thereto or transaction of any lawful business within the Park and otherwise than in accordance with the regulations made in this behalf.

Rules.

19. The State Government may by notification in the *Official Gazette* make rules for prescribing the ordinary tenure of office of members of the Advisory Committee and the allowances to such members under section 13.

Regulations.

20. (1) The State Government may make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such regulations may be made for all or any of the following matters, namely :—

- (a) the conditions subject to which any person may enter or reside in a National Park and the period during which the Park or any portion thereof shall be open to the public ;
- (b) the regulation of traffic and carriage of passengers in a Park ;
- (c) the fees, if any, to be paid for entry into or for residing in and for any other purpose connected with the use of the Park or any portion thereof ;

(d) the powers and duties of the Park Officers in regard to the exclusion of members of the public from the Park or any portion thereof;

(e) the preservation, control and management of the Park;

(f) the protection of the indigenous flora and fauna;

(g) the protection from defacement by writing or otherwise of any tree, rock, fence, seat or other object in the Park;

(h) the protection of animals, the disposal of noxious, predatory or super-abundant animals and the taking of animals for scientific and propagating purposes;

(i) the preservation of public health and the abatement and prevention of nuisances;

(j) the prevention of any unauthorised exhibition, fixing, erection or retaining of any advertisement, board, hoarding or structure in the Park and removal of such advertisement, board, hoarding or structure;

(k) any other matter for which in the opinion of the State Government provision is expedient or necessary to carry out the object of this Act.

(3) The power to make regulations under this Section shall be subject to the condition of previous publication.

(4) The regulations made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Act.

21. Whoever contravenes any provision of this Act or of any regulation made under section 20 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

22. The offence punishable under section 21 shall be cognizable and every Park Officer authorised in this behalf by the Director shall have within the limits of the National Park all the powers of a police officer of the rank of sub-inspector.

23. All Park Officers shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

24. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

25. For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to ancient and historical monuments and archaeological sites and remains declared by Parliament by law to be of national importance.

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of
1860.

Park Officers
to be public
servants.

Protection
to persons
acting in
good faith.